

37. (Newly Added) The prescription order storage and retrieval device of claim 31, wherein said identification tag is detachably secured to said prescription order.

38. (Newly Added) The prescription order storage and retrieval device of claim 31, wherein said identification tag is rigidly secured to said prescription order.

39. (Newly Added) The prescription order storage and retrieval device of claim 31, wherein said identification tag is secured to a carrier for receiving the prescription order therein.

40. (Newly Added) The prescription order and storage and retrieval device of claim 31, wherein each tag reader is in electrical communication with a switching device, and said switching device periodically connects and disconnects said tag reader to a computer system.

41. (Newly Added) The prescription order and storage and retrieval device of claim 40, wherein each tag reader is an antenna, and said computer system includes a common scanner wherein the area adjacent to an antenna is scanned for the presence of said identification tag when said switching device electrically connects said antenna to said computer system.

42. (Newly Added) The prescription order and storage and retrieval device of claim 31, wherein said storage area is a pharmacy.

43. (Newly Added) The prescription order and storage and retrieval device of claim 43, wherein said pharmacy is a retail pharmacy.

#### REMARKS

A first Office Action, dated October 21, 2002, rejects pending claims 1-28. Claims 1, 3-4, 7 and 24 have been rewritten herein, and new claims 29-43 have been added. Reconsideration is respectfully requested in light of the amendments and the following remarks.

#### Formalities

Applicant has corrected claim 7 as indicated to provide proper antecedent basis for the term "said third location." In addition, applicant has amended FIG. 1 as

indicated in the attached red-lined corrected drawing to add reference signs 10 and 12 as indicated.

Claim Rejections under 35 USC § 102(b)

Applicants respectfully traverse the examiner's rejection of claims 1-7, 9-11, and 17 as being anticipated by Denenberg et al. (U.S. Pat. No. 6,464,142). Denenberg et al. discloses a fundamentally different structure.

As explained more fully in the specification of the present application, among other benefits, the tracking system of the present invention allows a prescription order to be automatically located and tracked throughout a pharmacy, from initial receipt of that prescription order to final distribution to the customer, without pharmacy worker input or action required to activate the tracking of the prescription order. In addition, this automatic tracking and detection also includes a similarly equipped will-call storage system. None of the references of record, either alone or in combination, teach or suggest such a structure or method.

A. Denenberg tracks only will-call storage entry and egress.

As explained more fully in the background of the present application, this pre-distribution phase of the final filled prescription can include many stops and stations even before the original prescription order is actually filled by a pharmacy worker. As retail pharmacies' workload and insurance and other verification requirements increase, the potential for individual prescription orders becoming lost or misplaced in the pharmacy increases.

Unlike the present invention, Denenberg tracks only will-call storage entry and egress of filled prescriptions. "The present invention provides an efficient and accurate will call function by optimizing the storage of items and by electronically tracking the insertion and removal of items." (Denenberg, col. 4, lines 1-4). In contrast, the present invention, as claimed, tracks a prescription order, which can include only the initial order paperwork early in the filling processes, through the pharmacy as well as at the final storage and distribution phase of the filling process.

In particular, claims 1-17 are not limited to will-call storage devices. Rather, they include tracking a prescription order within a pharmacy upstream of such a storage device.

B. Denenberg does not track worker efficiency.

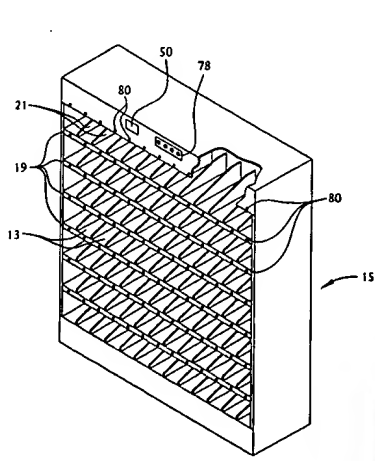
Similarly and as previously discussed, none of the references of record teach or suggest any sort of tracking of prescriptions upstream of the will-call storage area. Accordingly, it is impossible for them to use their systems to collect any sort of meaningful workflow information (claim 19), worker efficiency information (claims 21) or worker performance (claim 28) information, much less process that data into meaningful worker efficiency information. Accordingly, claims 19, 21 and 28 cannot be rendered obvious or anticipated by Denenberg or any other references of record.

C. Denenberg's location tracking is not automatic.

Also, the present invention, as claimed, calls for the tracking system to automatically track the prescription order without pharmacy worker input or action required to activate the tracking of the prescription order.

As explained more fully in the background section of the present application, known tracking systems include manual tracking devices, wherein the worker physically writes down or mentally remembers the location of a prescription order as it enters and exits an area within the pharmacy.

Unlike the present invention, such manual tracking systems require the pharmacy worker to remember to track the prescription. For example and as best shown in FIG. 3 (below) of Denenberg's limited will-call storage system, a pharmacy worker using the Denenberg device must first use the individual bar code scanner 50 to scan the filled prescription into the computer system. The system then highlights a light above an open bin within the cabinet in which the pharmacy worker is to physically place the filled prescription order.



(Denenberg et al, FIG. 3).

Such scanning requires the pharmacy worker to correctly orient a bar code on the filled prescription so that the scanner 50 can read the bar code. Moreover, there is a time lag between when a filled prescription is scanned and when it is placed in an identified bin. Accordingly, the item scanned may not necessarily be the item the pharmacy worker actually places into the highlighted bin. For example, if scanning a plurality of filled prescriptions to place into storage, a pharmacy worker may accidentally scan a first item and then place a different item in the location flagged by the computer system. In such event, the tracking system in Denenberg is rendered useless, and a pharmacy worker must sort through all items in the storage area to find the misfiled prescription. Moreover, if a pharmacy worker places two different prescription orders for different customers in the same storage area and then removes one from the storage area, the tracking system of Denenberg is unable to detect which of the two different prescription orders have been removed from the storage area. Accordingly, the pharmacy worker can inadvertently distribute the wrong prescription order to a customer.

In contrast, in the present invention a worker can place the filled prescription order in any open bin, or even in an occupied bin, and the system responds by automatically detecting in which bin the prescription order was placed and correlating that location with the customer information for easy retrieval. Accordingly, even if two different prescription orders were placed in the same bin and then one is removed from that bin, the tracking system of the present invention can detect which of the two prescription orders have been removed from the bin. As a result, the risk of inadvertent distribution of the wrong prescription order to a customer is greatly reduced.

Independent claims 1, 9, 24 and new independent claim 31 specifically include these limitations:

Claim 1:

As currently amended, claim 1 requires "manually moving the prescription order to a second location within the pharmacy for filling the prescription order . . . [and] automatically detecting the presence of the prescription at the second location . . . ." (emphasis added)

Claim 9:

Claim 9 requires "a first tag reader positioned near the first station and in communication with said computer system, said first tag reader able to automatically detect the presence of said tag when said tag is in close proximity of said first tag reader and send a first signal to said computer system . . . ." (emphasis added)

Claim 24:

Claim 24 requires "a storage bin having a plurality of cubbies, each said cubby having an individual identifier, and having a cubby tag reader in communication with said computer system, such that the presence of said tag within one of said plurality of cubbies is automatically detected by that cubby's tag reader and sends a cubby location signal to said computer system, said cubby location signal including the individual identifier of said one of said plurality of cubbies . . . ." (emphasis added).

Claim 31:

Claim 31 requires "a tag reader operably secured within the storage area and in communication with the computer system for automatically detecting the presence of the tag within the storage area and determining the unique identifier associated with the identification tag when the identification tag is placed within the storage area . . . ." (emphasis added).

As explained more fully in the specification, this automatic detection can be accomplished by at least two known methods, either placing individual tag readers, such as bar code or RFID readers, in each cubby, or using a reader that is able to determine a location of a tag based on spatial interrogation of a region. None of the references of record teach or suggest such structures or using such structures for the functions as claimed. Accordingly, none of the current claims can be rendered anticipated or obvious by Denenberg, or any other references of record, and the case should be passed to issuance. Moreover, claims 2-8, 10-23, 25-30, and 32-36, which all depend on these now allowable independent claims should also now be in condition for allowance, and the case passed to issuance.

Claim Rejections under 35 USC § 103

Applicants also respectfully traverse the examiner's rejection of claims 8, 12-14, and 18-28 as being rendered obvious by Denenberg et al. (U.S. Pat. No. 6,464,142) in

view of Pilarczyk (U.S. Pat. No. 4,766,542), and Engellenner (U.S. Pat. No. 6,057,756). None of these references, either alone or in combination, disclosed the methods and structures as claimed.

A. No teaching or suggestion to use RFID tags in a pharmacy.

Neither Denenberg nor Pilarczyk alone or in combination teach or suggest using RF ID tags in a pharmacy to track prescription orders therein. Similarly, there is no teaching or suggesting in any references of record to use RFID tags in combination with a computer system to permit the automatic detection and locating of prescription orders within a retail pharmacy.

The only teaching or suggesting to combine these elements is found the specification of the present application. Accordingly, claims 12-24, and 29-30 cannot be rendered obvious by these references and these claims should be allowed.

B. No teaching or suggestion to use individual tag readers in each storage area.

As previously noted, Denenberg requires a pharmacy worker to physically scan a tag using a common scanner, and then place the scanned item into a storage bin identified by the storage device in response to the scan. If a worker forgets to scan the item, or places the scanned item in a different storage bin that indicated by the storage system, the scanned item will no longer be accurately tracked or locatable by the system. In other words, not unlike a simple manual tracking system, Denenberg requires pharmacy worker compliance and accuracy in order to operate effectively.

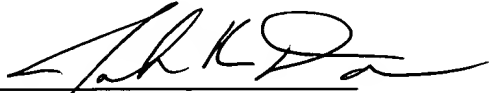
In contrast, one of the embodiments of the present invention uses a tag reader at each storage location to allow automatic detection of a tag at a particular location. Accordingly, a pharmacy worker can place a filled prescription in any bin within the storage area, and the computer system will automatically detect the selected location and correlate the customer information with that location, thereby allowing easy location and retrieval of the filled prescription.

Claims 18, 24-27, and new claims 31-43 includes specific limitations to a tag reader being provided at each storage location. However, none of the references of record, including Denenberg, teach or suggest such a structure. Accordingly, these claims cannot be anticipated or rendered obvious by these references, and they should be allowed.

In view of the foregoing, applicants submit that all of the currently pending claims are in condition for allowance, and respectfully request that the case be passed to issuance. If the Examiner has any questions, he is invited to contact applicants' attorney at the below-listed telephone number.

Respectfully submitted,

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Attachment A to Amendment  
(Redlined amendments to claims)

1. (Amended) A method for tracking prescription orders through a pharmacy having a plurality of physically spaced apart locations for filling the prescription order including the following steps:

receiving a prescription order at a first location within the pharmacy;

tagging the prescription order with a remote tag that stays with the prescription order;

associating the remote tag with customer information associated with the prescription order;

manually moving the prescription order to a[at least one location] second location within the pharmacy for filling the prescription order;

automatically detecting the presence of the prescription order at the [at least one] second location by sensing the remote tag attached to the order when said remote tag is in the proximity of said second location; and,

automatically recording the location of the prescription order at [each]said second location.

3. (Amended) The method for tracking prescription orders through a pharmacy of claim 2, wherein said moving step includes moving said prescription order to at least three spaced apart locations within the pharmacy, and further including:

taking the prescription order [from the customer] at [a] the first location;[

entering data about the prescription order and customer into a computer system at a second location; and]

storing the filled prescription order at a third location[.]; and.

automatically detecting the presence of the prescription order at the third location by sensing the remote tag attached to the order when said remote tag is in the proximity of said third location.

4. (Amended) The method for tracking prescription orders through a pharmacy of claim [2]1, further including the steps of:

automatically collecting timing information about the amount of time the prescription order remains at the [first]second location;

storing said timing information into the computer system; and,



compiling workflow information based on the timing information.

7. (Amended) The method for tracking prescription orders through a pharmacy of claim [4]3, wherein said compiling workflow information step includes:

automatically monitoring the amount of time said prescription order remains at said third location; and,

automatically signaling a pharmacy worker when the prescription order exceeds a predetermined amount of time at said third location.

24. (Amended) A prescription order tracking system for use in a retail pharmacy having a first station therein for filling the prescription order, said tracking system including:

a computer system having a display;

a tag operably secured to the prescription order; and

a first tag reader positioned near the first station and in communication with said computer system, said first tag reader able to automatically detect the presence of said tag when said tag is in close proximity to said first tag reader and send a first signal to said computer system;

a storage bin having a plurality of cubbies, each said cubby having an [individual] identifier, and having a cubby tag reader in communication with said computer system, such that the presence of said tag within one of said plurality of cubbies is automatically detected by that cubby's tag reader and sends a cubby location signal to said computer system, said cubby location signal including the [individual] identifier of said one of said plurality of cubbies;

wherein said computer system processes said first signal and said cubby location signal to display the location of said tag at one of said first location [or]of said one of said plurality of cubbies.

--29. (Newly Added) The prescription order tracking system of claim 24, wherein said tag is a radio-frequency identification ("RFID") tag.

30. (Newly Added) The prescription order tracking system of claim 9, where said tag is a radio-frequency identification ("RFID") tag.

31. (Newly Added) A prescription order storage and retrieval device having:

a computer system having a database therein and an output device for displaying information;

an identification tag having a unique tag identifier, said tag operably secured to the prescription order of a customer, the customer having a customer identifier;

a storage area having a plurality of individually identified storage areas therein,

each individually identified storage area having:

a unique visual identifier; and

a tag reader operably secured within the storage area and in communication with the computer system for automatically detecting the presence of the tag within the storage area and determining the unique identifier associated with the identification tag when the identification tag is placed within the storage area;

wherein the database includes customer identification information and the computer system correlates the unique tag identifier, the customer identifier and unique visual identifier thereby allowing easy location and retrieval of the customers prescription order from the storage area.

32. (Newly Added) The prescription order storage and retrieval device of claim 31, wherein said identification tag is a radio-frequency identification ("RFID") tag.

33. (Newly Added) The prescription order storage and retrieval device of claim 32, wherein said tag reader is an RFID reader.

34. (Newly Added) The prescription order storage and retrieval device of claim 31, wherein said tag reader automatically detects the removal of an identification tag from the storage area.

35. (Newly Added) The prescription order storage and retrieval device of claim 31, wherein said unique visual identifier is not related to information within the customer identifier.

36. (Newly Added) The prescription order storage and retrieval device of claim 35, wherein said unique visual identifier is numeric.

37. (Newly Added) The prescription order storage and retrieval device of claim 31, wherein said identification tag is detachably secured to said prescription order.

38. (Newly Added) The prescription order storage and retrieval device of claim 31, wherein said identification tag is rigidly secured to said prescription order.

39. (Newly Added) The prescription order storage and retrieval device of claim 31, wherein said identification tag is secured to a carrier for receiving the prescription order therein.

40. (Newly Added) The prescription order and storage and retrieval device of claim 31, wherein each tag reader is in electrical communication with a switching device, and said switching device periodically connects and disconnects said tag reader to a computer system.

41. (Newly Added) The prescription order and storage and retrieval device of claim 40, wherein each tag reader is an antenna, and said computer system includes a common scanner wherein the area adjacent to an antenna is scanned for the presence of said identification tag when said switching device electrically connects said antenna to said computer system.

42. (Newly Added) The prescription order and storage and retrieval device of claim 31, wherein said storage area is a pharmacy.

43. (Newly Added) The prescription order and storage and retrieval device of claim 43, wherein said pharmacy is a retail pharmacy.--

**Attachment B to Amendment**  
**(Redlined corrections to drawings)**

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